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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/430,644      | 10/29/1999  | ROBERT NORMAN HURST  | SAR-13543           | 7580             |

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EXAMINER

AN, SHAWN S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2613

DATE MAILED: 02/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/430,644

Applicant(s)

HURST, ROBERT NORMAN

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 5, 13 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Response to Appeal Brief*

1. Applicant's arguments with respect to claims 1-4, 6-12, 14-20, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-12, 14-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst, Jr. (6,038,000) in view of Wee et al (6,104,441).

**Regarding claims 1-2, 9-10, and 17-18,** Hurst, Jr discloses a system/method for processing transport streams, comprising:

a controller (Fig. 1, 105) for identifying at least one (out/in)-frame within a transport stream, the (out/in)-frame representing (last/first) frame of the transport stream, respectively.

Hurst, Jr fails to disclose a decoder for decoding each identified (out/in)-frame, a respective portion of the transport stream including the (out/in)-frame, and an encoder for re-encoding each decoded portion of the transport stream to produce a (out/in)-point adapter.

However, decoding and re-encoding an input/output stream for splicing operation is well known in the art.

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Wee et al teaches decoding an identified out-frame, a portion of the video stream including the out-frame, and re-encoding each decoded portion of the stream for splicing purpose (col. 11, lines 19-32).

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing Hurst, Jr's reference to incorporate the concept as taught by the Wee et al so that the decoder decodes each identified (out/in)-frame, a respective portion of the transport stream including the (out/in)-frame, and the encoder re-encodes each decoded portion of the transport stream to produce a (out/in)-point adapter for a frame accurate splicing operation.

**Regarding claims 6, 14, and 22,** Wee et al discloses decoding the in-frame and all non-I frames following the in-frame up to next I-frame (col. 11. lines 9-32).

**Regarding claims 3-4, 11-12, and 19-20,** Hurst, Jr discloses associating (out/in)-point with (out/in) point adapter (col. 1, lines 59-67; col. 2, lines 1-3). Wee et al teaches decoding as discussed above.

Therefore, it would have been obvious for decoded portion of the transport stream proximate the particular (out-in)-point to be replaced by the (out/in) point adapter for a frame accurate splicing operation.

**Regarding claims 7, 15, and 23,** Hurst, Jr discloses identifying packets associated with at least a sequence header (610), and determining for each frame in the transport stream, at least PTS, and/or DTS (Fig. 3, 360).

**Regarding claims 8, 16, and 24,** Hurst, Jr discloses meta files (330) for storing frames for subsequent use in generating a transition stream.

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*Allowable Subject Matter*

4. **Claims 5, 13, and 21** are objected to as being dependent upon a rejected base claims 1, 9, and 17, respectively, but would be allowable: if claim 5 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims; if claim 13 is rewritten in independent form including all of the limitations of the base claim 9 and any intervening claims; and if claim 21 is rewritten in independent form including all of the limitations of the base claim 17 and any intervening claims. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Fukuda (5,949,956), Method and apparatus for aligning sub-stream splice points in an information stream.

6. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.

SHAWN S. AN  
PATENT EXAMINER

SSA

Primary Patent Examiner

January 25, 2004